

# **EXHIBIT 7**

## **Deposition of Melani Schulte**

# **EXHIBIT 7**

MELANI SCHULTE

In Re: MELANI SCHULTE AND WILLIAM SCHULTE

December 21, 2021

1-4

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1	UNITED STATES BANKRUPTCY COURT		1	I N D E X
2	DISTRICT OF NEVADA		2	
3			3	WITNESS: MELANI SCHULTE
4	In re: MELANI SCHULTE	CASE NO. 09-29123-MKN	4	EXAMINATION
	and WILLIAM SCHULTE,		5	BY MR. CAMPBELL
5			6	
6	2704 SATTLEY LLC,		7	INDEX TO EXHIBITS
	HOT ENDEAVOR LLC,		8	NUMBER DESCRIPTION MARKED
7	1341 MINUET LLC		9	Exhibit 1 Note 9
	1708 PLATO PICO LLC,		10	Exhibit 2 Deed of Trust 10
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10	CHERISH LLC,		14	Exhibit 5 Debtor Declaration 24
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15	DEPOSITION OF MELANI SCHULTE		23	Exhibit 12 Loss Mitigation Letter dated 2/2/2016 65
16	Taken on Tuesday, December 21, 2021		25	
17	At 10:42 a.m.			
18	At 7220 South Cimarron Road, Suite 200			
19	Las Vegas, Nevada			
20				
21				
22				
23				
24	KERRIE KELLER, CCR NO. 612			
25				
		Page 2		Page 4
1	APPEARANCES OF COUNSEL		1	DEPOSITION OF MELANI SCHULTE
2			2	December 21, 2021
3	FOR MELANI SCHULTE:		3	(Prior to the commencement of the proceedings,
4	THE LAW OFFICES OF CHRISTOPHER P. BURKE		4	Counsel present agreed to waive statements by the
	BY: CHRISTOPHER P. BURKE, ESQ.		5	court reporter, pursuant to
5	218 South Maryland Parkway		6	NRCP 30(b)(4) or FRCP 30(b)(5), as applicable.)
	Las Vegas, Nevada 89101		7	
6	702.385.7987		8	MELANI SCHULTE,
7			9	having been first duly sworn to testify to the
8	FOR SHELLPOINT MORTGAGE SERVICING:		10	truth, the whole truth, and nothing but the truth,
9	ALDRIDGE PITE, LLP		11	12 was examined and testified as follows:
	BY: GREGORY P. CAMPBELL, ESQ.		13	EXAMINATION
10	BY: EDDIE R. JIMENEZ, ESQ. (Via Zoom)		14	BY MR. CAMPBELL:
	4375 Jutland Drive		15	Q. Okay. Ms. Schulte, can you please spell
11	Suite 200		16	17 your name for the record.
	San Diego, California 92117		18	A. Melani, M-E-L-A-N-I, Schulte, S-C-H-U-L-T-E.
12	702.858.750.7600		19	Q. Would you like to go by Melani or
	gcampbell@aldridgepite.com		20	19 Ms. Schulte today?
13	ejimenez@aldridgepite.com		21	A. Melani is fine.
14			22	Q. Okay. So Melani, this deposition is being
15	ALSO PRESENT:		23	24 recorded, and we'll need a verbal answer for each
16	MATTHEW JOHNSON, ESQ.		25	23 question.
17				Do you understand?
18				A. Yes.
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24				
25				

MELANI SCHULTE

In Re: MELANI SCHULTE AND WILLIAM SCHULTE

December 21, 2021

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<p>1 with your attorney before you signed it?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So you stated earlier the plan</p> <p>4 provided for principal and interest payments as</p> <p>5 \$708.60 on the loan; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So between April 2011 and today, did</p> <p>8 you make every single monthly principal and interest</p> <p>9 payment of \$708.60?</p> <p>10 A. I attempted to do that, yes. Were they made</p> <p>11 and did they get to the proper party? No,</p> <p>12 obviously.</p> <p>13 Q. Okay. So every single month, you sent in a</p> <p>14 payment of \$708.60?</p> <p>15 A. I did until when I got the return envelope</p> <p>16 back in 2013 saying that there was no forwarding</p> <p>17 address for Litton Loan Servicing, and that's where</p> <p>18 my payments were going all this time, to that</p> <p>19 correct address, and they had been cashed. Yes.</p> <p>20 Q. Okay.</p> <p>21 A. I made those payments.</p> <p>22 Q. So there was never a time period when you</p> <p>23 didn't make payments?</p> <p>24 A. There was never a time period that I didn't</p> <p>25 make payments prior to that letter coming back from</p>	<p>1 Is that statement correct?</p> <p>2 A. Yes.</p> <p>3 Q. So at no time --</p> <p>4 A. What date? What date? I'm -- I'm sorry. I</p> <p>5 don't know about the time period.</p> <p>6 Q. Go ahead.</p> <p>7 So you received your discharge at the end of</p> <p>8 2015; is that correct?</p> <p>9 A. I received the discharge at the end of 2015.</p> <p>10 Yeah.</p> <p>11 Q. And you -- and after --</p> <p>12 A. But if I -- if -- I did not have an address</p> <p>13 after the envelope was returned to me. That was</p> <p>14 sometime in 2013.</p> <p>15 Q. Okay.</p> <p>16 A. I would have to look back at the things</p> <p>17 here. So payments from 2013, whenever that letter</p> <p>18 came back, were probably not made.</p> <p>19 Q. Okay.</p> <p>20 A. Because I didn't have an address to send</p> <p>21 them to.</p> <p>22 Q. Okay. So going back to that statement in</p> <p>23 paragraph 30, you still believe that's an accurate</p> <p>24 statement after you just said the payments probably</p> <p>25 weren't made?</p>
Page 26	Page 28
<p>1 the U.S. Postmaster saying that there was no</p> <p>2 forwarding address.</p> <p>3 Q. Okay. So during the time that you were not</p> <p>4 making payments because you didn't have an address</p> <p>5 to send them to. Is that an accurate statement?</p> <p>6 A. That's correct.</p> <p>7 Q. Okay.</p> <p>8 A. Uh-huh.</p> <p>9 Q. Was the property still producing rental</p> <p>10 income?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And of the payments you made that</p> <p>13 were accepted by the servicer, whoever the servicer</p> <p>14 was at the time, were any of those payments made</p> <p>15 late?</p> <p>16 A. I don't know. I don't recall. I don't</p> <p>17 think they were. I think they were all on time.</p> <p>18 Q. Okay.</p> <p>19 A. Uh-huh.</p> <p>20 Q. Can you take a look at the Declaration,</p> <p>21 which is right here in front of you, page ten,</p> <p>22 paragraph 30. You stated the following: After your</p> <p>23 discharge, you continued making the payments in</p> <p>24 accordance with the stipulation, including paying</p> <p>25 the monthly principal and interest payments.</p>	<p>1 A. That I continued making payments in</p> <p>2 accordance with the stipulation, including paying</p> <p>3 the monthly principal and interest. I'll restate</p> <p>4 what I just said.</p> <p>5 Q. Okay.</p> <p>6 A. All payments were made in a timely manner</p> <p>7 until 2013, when that envelope came back.</p> <p>8 Q. Okay.</p> <p>9 A. After the envelope came back with no</p> <p>10 forwarding address to get to Litton or anybody else,</p> <p>11 those payments were not made.</p> <p>12 Q. Okay. And so in 2013, after that event</p> <p>13 happened you just described --</p> <p>14 A. Uh-huh.</p> <p>15 Q. -- when did you start making payments again?</p> <p>16 A. I don't recall. I have to look back at my</p> <p>17 roster.</p> <p>18 Q. Was it more than a year?</p> <p>19 A. Probably.</p> <p>20 Q. Was it more than two years?</p> <p>21 A. Probably.</p> <p>22 Q. More than five years?</p> <p>23 A. I don't think so.</p> <p>24 Q. Okay. So somewhere between two and five,</p> <p>25 you think?</p>

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<p style="text-align: right;">Page 29</p> <p>1 A. Is what I'm guessing. Things -- events 2 happened in between there. Ocwen was sending me 3 statements, but they never sent me a thing saying 4 that they were the owners of the loan -- 5 Q. Okay. 6 A. -- or any of that. I never received that 7 mail, so I didn't believe them. 8 Q. So if Ocwen was sending you statements, did 9 it have a payment address on where you were supposed 10 to send payments? 11 A. They started sending me statements, I'm 12 going to say, sometime in 2014, 2015, something like 13 that. 14 Q. Did it have a payment address on the 15 statements? 16 A. Probably. Probably. 17 Q. Okay. And you didn't send money to that 18 payment address? 19 A. I didn't know who these people were. 20 Q. Okay. You never received a -- what's called 21 a Transfer of Servicing letter from them? 22 A. Correct. I never got it. Never got it. 23 That's why I questioned were they really the people 24 who I'm supposed to be sending money off to. 25 Q. At that time was anyone else claiming that</p>	<p style="text-align: right;">Page 31</p> <p>1 make all principal and interest payments on the loan 2 in the amount of \$708.60 from April 1, 2011, to 3 present as required by the terms of the first plan, 4 which you admitted; correct? 5 A. I know that we filed an objection to that. 6 I filed an objection to your listing of all 7 principal and interest because you put "all" in all 8 of these, and I objected to all of them, meaning you 9 put in there all escrow payments, all principal and 10 interest payments. 11 Q. This is just principal and interest 12 payments. 13 A. Well, you did it on all of them, and I 14 objected to all of them. Anything that said the 15 word "all" in it, I objected to. 16 Q. Did you -- then why did you admit it? 17 A. Must be my error or my -- my lapse, 18 whatever. I don't know. But I know that I did not 19 -- I'm not saying that I made all principal and 20 interest. I'm not saying I made all escrow 21 payments. 22 Q. Okay. Can you turn to page six, which is 23 Request for Admission No. 26, I would like you to 24 take a look at. 25 A. Uh-huh.</p>
<p style="text-align: right;">Page 30</p> <p>1 they were the servicer other than Ocwen? 2 A. I don't recall. 3 Q. Okay. Let's see. I'd like to introduce the 4 Request for Admissions, Set One, as Exhibit 6. 5 (Exhibit 6 marked for identification.) 6 BY MR. CAMPBELL: 7 Q. Do you recall receiving this document in the 8 mail and answering it with your attorney? 9 A. Yes. 10 Q. Okay. And I would like to introduce 11 Exhibit 7, which is your responses to the Request 12 for Admissions, the first set. 13 (Exhibit 7 marked for identification.) 14 THE WITNESS: Okay. 15 BY MR. CAMPBELL: 16 Q. Do you recognize that document? 17 A. Yes. 18 Q. On or about October 11, 2021, did you sign 19 the Answers to the Requests for Admissions under 20 penalty of perjury? 21 A. Yes. It has my signature. 22 Q. Can you take a look at page five of that 23 document, which is Request for Admission No. 23. 24 A. Yes. 25 Q. This asked you to admit debtor failed to</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. It asks you to admit you are currently in 2 default on payments under the terms of your first 3 plan from the bankruptcy case, which you denied; is 4 that correct? 5 A. That's correct. 6 Q. So you -- but you just said you haven't made 7 all principal and interest payments. 8 A. I don't feel that I'm in default because I 9 am making the payments. I've been making the 10 payments. Once we got all of this documentation, we 11 entered the bankruptcy, so what you claim is a 12 default, I don't feel is a default. 13 Q. You don't believe not making all the 14 payments -- 15 A. If I -- 16 Q. -- constituted a default? 17 A. I attempted to make all of the payments. 18 Again, I'm restating the same thing all over again. 19 Q. Okay. 20 A. So . . . 21 Q. So earlier we talked about how the plan 22 didn't have any provisions for taxes and insurance. 23 Your position, I believe, was the stipulations 24 provided for taxes and insurance, and you believed 25 it was your responsibility to pay taxes and</p>

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<p style="text-align: right;">Page 49</p> <p>1 THE WITNESS: Yeah.</p> <p>2 BY MR. CAMPBELL:</p> <p>3 Q. Did you ever receive monthly statements from 4 Shellpoint reflecting the current due date, the 5 amounts owed, the monthly payments, things -- normal 6 periodic monthly statement you would receive every 7 month from any sort of lender?</p> <p>8 A. Any sort of lender or from Shellpoint?</p> <p>9 Q. From Shellpoint. I was trying to define 10 statements.</p> <p>11 A. Okay. I put forward everything that I 12 received from you --</p> <p>13 Q. Uh-huh.</p> <p>14 A. -- through discovery, so I know from time to 15 time, I would send off the letters to you asking for 16 information. I asked you -- begged you to send me 17 my monthly statements. You sent them to a previous 18 attorney. You wouldn't send them to me directly. 19 My name is on it. You still wouldn't cooperate. I 20 think now, currently, we're getting statements now 21 after all of 11 years of a nightmare.</p> <p>22 Q. Okay.</p> <p>23 A. And I'm just looking at the statement here, 24 even the introductory here, the monthly payment 25 amount, it's wrong. And I feel it's wrong. I mean,</p>	<p style="text-align: right;">Page 51</p> <p>1 Q. And do you see paragraph five of the letter?</p> <p>2 A. Yes.</p> <p>3 Q. You're requesting information, including the 4 most recent periodic billing statement.</p> <p>5 A. Yes.</p> <p>6 Q. So you're expecting to receive these monthly 7 statements from Shellpoint?</p> <p>8 A. I believe I should have.</p> <p>9 Q. So you were not surprised when you received 10 these monthly statements from Shellpoint?</p> <p>11 A. I'm surprised that I never got them even at 12 that time in 2017.</p> <p>13 Q. Did you ever request that Shellpoint stop 14 sending you monthly statements?</p> <p>15 A. Never.</p> <p>16 Q. And did these monthly statements include a 17 bankruptcy disclaimer like the one we just showed 18 you on the welcome letter or similar statement?</p> <p>19 A. Probably. I'd have to look at a statement 20 to see.</p> <p>21 Q. And did the monthly statements list the 22 correct interest rate of five percent under your 23 plan?</p> <p>24 A. From Shellpoint, probably, but I'm not sure 25 without looking at them.</p>
<p style="text-align: right;">Page 50</p> <p>1 even the first page of it is wrong, because you 2 included the escrow, which is -- again, is my belief 3 that there was no escrow.</p> <p>4 Q. Understood.</p> <p>5 And Ms. Schulte was referring back to 6 Exhibit 9, I believe.</p> <p>7 A. Uh-huh.</p> <p>8 Q. Okay. So you requested -- you expressly 9 requested these monthly statements from Shellpoint?</p> <p>10 A. I did.</p> <p>11 Q. You asked them to send them to you?</p> <p>12 A. I did. I believe I have a letter stating 13 that over and over again.</p> <p>14 (Exhibit 11 marked for identification.)</p> <p>15 BY MR. CAMPBELL:</p> <p>16 Q. I'm going to skip ahead to Exhibit 11 17 here --</p> <p>18 A. Uh-huh.</p> <p>19 Q. -- which is a letter from you. It purports 20 to be a letter from you.</p> <p>21 Do you recognize this document?</p> <p>22 A. Yes.</p> <p>23 Q. It's dated March 21, 2017, and it's signed 24 by you.</p> <p>25 A. Uh-huh.</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Okay.</p> <p>2 A. From Ocwen, no. And I don't -- I don't know 3 if I have a statement that -- it's probably 4 incorrect. I wouldn't -- I mean, you already got 5 the wrong payment amount, so I wouldn't doubt it. 6 So I'd have to look.</p> <p>7 MR. CAMPBELL: You okay there, Eddie?</p> <p>8 MR. JIMENEZ: I was just muting. Apologies.</p> <p>9 MR. CAMPBELL: No worries.</p> <p>10 BY MR. CAMPBELL:</p> <p>11 Q. So did Shellpoint ever send you an 12 informational statement or monthly statement listing 13 a current interest rate other than five percent?</p> <p>14 A. I don't recall. I'd have to look at all the 15 statements.</p> <p>16 Q. And did the monthly statements list the 17 combined principal and interest payment of \$708.60?</p> <p>18 A. I don't -- without looking at the statements 19 to see, I can't really testify to that.</p> <p>20 Q. Okay. So earlier you stated that you did 21 not make all the principal and interest payments 22 under the plan; is that correct?</p> <p>23 A. I stated that after 2013, when I had no 24 address for where my payments had been sent to 25 previously and cashed, that those payments were not</p>

**MELANI SCHULTE**  
**In Re: MELANI SCHULTE AND WILLIAM SCHULTE**

December 21, 2021  
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<p>1 REPORTER'S CERTIFICATE</p> <p>2 STATE OF NEVADA )  ) ss</p> <p>3 COUNTY OF CLARK )</p> <p>4</p> <p>5 I, Kerrie Keller, a duly commissioned Notary Public, Clark County, State of Nevada, do hereby certify:</p> <p>6 That I reported the taking of the deposition of the witness, MELANI SCHULTE, at the time and place aforesaid;</p> <p>7 That prior to being examined, the witness was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth; that before the proceedings' completion, that reading and signing of the deposition has been requested by the deponent or a party pursuant to NRCP 30(e);</p> <p>8</p> <p>9 That I thereafter transcribed my said shorthand notes into typewriting and that the typewritten transcript is a complete, true, and accurate transcription of testimony provided by the witness at said time to the best of my knowledge, skills, and ability;</p> <p>10 I further certify that I am not a relative or employee of counsel of any of the parties, nor a relative or employee of the parties involved in said action, nor a person financially interested in the action.</p> <p>11</p> <p>12 IN WITNESS WHEREOF, I have set my hand in my office in the County of Clark, State of Nevada, this 13th day of January, 2022.</p> <p>14</p> <p>15 <i>Kerrie Keller</i></p> <p>16 Kerrie Keller, CCR No. 612</p>	<p>Page 109</p> <p>1 DEPOSITION ERRATA SHEET</p> <p>2 Page No. _____ Line No. _____ Change to: _____</p> <p>3 Reason for</p> <p>4 Change: _____</p> <p>5 Page No. _____ Line No. _____ Change to: _____</p> <p>6 Reason for</p> <p>7 Change: _____</p> <p>8 Page No. _____ Line No. _____ Change to: _____</p> <p>9 Reason for</p> <p>10 Change: _____</p> <p>11 Page No. _____ Line No. _____ Change to: _____</p> <p>12 Reason for</p> <p>13 Change: _____</p> <p>14 Page No. _____ Line No. _____ Change to: _____</p> <p>15 Reason for</p> <p>16 Change: _____</p> <p>17 Page No. _____ Line No. _____ Change to: _____</p> <p>18 Reason for</p> <p>19 Change: _____</p> <p>20 Page No. _____ Line No. _____ Change to: _____</p> <p>21 Reason for</p> <p>22 Change: _____</p> <p>23</p> <p>24 SIGNATURE: _____ DATE: _____ MELANI SCHULTE</p> <p>25</p>
<p>1 DEPOSITION ERRATA SHEET</p> <p>2</p> <p>3</p> <p>4 Assignment No.: J7698083</p> <p>5 Case Caption: Re: MELANI SCHULTE</p> <p>6</p> <p>7</p> <p>8 DECLARATION UNDER PENALTY OF PERJURY</p> <p>9 I declare under penalty of perjury</p> <p>10 that I have read the entire transcript of</p> <p>11 my Deposition taken in the captioned matter</p> <p>12 or the same has been read to me, and</p> <p>13 the same is true and accurate, save and</p> <p>14 except for changes and/or corrections, if</p> <p>15 any, as indicated by me on the DEPOSITION ERRATA</p> <p>16 SHEET hereof, with the understanding that I offer</p> <p>17 these changes as if still under oath.</p> <p>18</p> <p>19 Signed on the _____ day of</p> <p>20 _____, 2022.</p> <p>21</p> <p>22</p> <p>MELANI SCHULTE</p> <p>23</p> <p>24</p>	<p>Page 110</p> <p>1 DEPOSITION ERRATA SHEET</p> <p>2 Page No. _____ Line No. _____ Change to: _____</p> <p>3 Reason for</p> <p>4 Change: _____</p> <p>5 Page No. _____ Line No. _____ Change to: _____</p> <p>6 Reason for</p> <p>7 Change: _____</p> <p>8 Page No. _____ Line No. _____ Change to: _____</p> <p>9 Reason for</p> <p>10 Change: _____</p> <p>11 Page No. _____ Line No. _____ Change to: _____</p> <p>12 Reason for</p> <p>13 Change: _____</p> <p>14 Page No. _____ Line No. _____ Change to: _____</p> <p>15 Reason for</p> <p>16 Change: _____</p> <p>17 Page No. _____ Line No. _____ Change to: _____</p> <p>18 Reason for</p> <p>19 Change: _____</p> <p>20 Page No. _____ Line No. _____ Change to: _____</p> <p>21 Reason for</p> <p>22 Change: _____</p> <p>23</p> <p>24 SIGNATURE: _____ DATE: _____ MELANI SCHULTE</p> <p>25</p>
<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 112</p> <p>1 DEPOSITION ERRATA SHEET</p> <p>2 Page No. _____ Line No. _____ Change to: _____</p> <p>3 Reason for</p> <p>4 Change: _____</p> <p>5 Page No. _____ Line No. _____ Change to: _____</p> <p>6 Reason for</p> <p>7 Change: _____</p> <p>8 Page No. _____ Line No. _____ Change to: _____</p> <p>9 Reason for</p> <p>10 Change: _____</p> <p>11 Page No. _____ Line No. _____ Change to: _____</p> <p>12 Reason for</p> <p>13 Change: _____</p> <p>14 Page No. _____ Line No. _____ Change to: _____</p> <p>15 Reason for</p> <p>16 Change: _____</p> <p>17 Page No. _____ Line No. _____ Change to: _____</p> <p>18 Reason for</p> <p>19 Change: _____</p> <p>20 Page No. _____ Line No. _____ Change to: _____</p> <p>21 Reason for</p> <p>22 Change: _____</p> <p>23</p> <p>24 SIGNATURE: _____ DATE: _____ MELANI SCHULTE</p> <p>25</p>



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